

# Notice of Allowability

Application No.

10/825,882

Examiner

Anjan K. Deb

Applicant(s)

MARTIN ET AL.

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/11/2006.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/10/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action is in response to amendment filed 01/11/2006. Applicant's request for reconsideration in view of the remarks presented is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Allowable Subject Matter***

2. Claims 1-28 are allowed.

#### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance of the claims is the inclusion of testing mechanism for a micro-mechanical (MEM) device incapable of being electrically read. The above limitation is included in all of the independent claims and is neither disclosed nor fairly suggested in the prior art and is found to be novel in combination with all of the remaining claims limitations.

As described in the specification the MEM device assemblies can be individually electrically written to, or charged but the voltage of a MEM device cannot be read electrically. The testing mechanism is able to electrically test the circuitry of the MEM device assemblies of an array of MEM device assemblies without directly electrically reading the charge or voltage stored on the MEM device and without resorting to optics.

*Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bucksch (US 20020174386) discloses method of testing memory device by electrically reading from memory.

Christenson (US 6,750,152 B1) discloses method and apparatus for testing electrically property of MEM device by a probe.

Gleason (US 20030228051) discloses method identifying a defect in MEMS device by image analysis using fractal encoding.

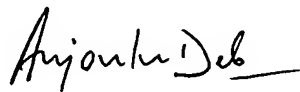
Zhang (US 6,459,524 B1) discloses circuit for indicating position of MEMS switch (Fig. 6).

While all the above cited prior art references disclose testing MEMS device none of these references teach or fairly suggest a testing mechanism for a micro-mechanical (MEM) device incapable of being electrically read.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Anjan K. Deb whose telephone number is 571-272-2228. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached at 571-272-2399.



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1/25/06